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Attorneys for Party in Interest
Richard Saghian, an Individual

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re	)	Case No. 2:21-bk-18205-DS
)	
CRESTLLOYD, LLC,	)	Chapter 11
)	
Debtor and Debtor-in-Possession.	)	Assigned to: The Hon. Deborah J. Saltzman
)	
	)	OPPOSITION TO NOTICE OF SECOND
	)	MOTION FOR ACCEPTANCE TO
	)	INCLUDE FULL SETTLEMENT &
	)	CLOSURE AND ORDER(S) FOR
	)	TRANSFER AND OTHER
	)	CONFIRMATION(S) SUPRA PROTEST
	)	NUNC PRO TUNC [DKT. 468]
)	
	)	<u>Hearing:</u>
	)	Date: March 9, 2023
	)	Time: 11:30 a.m.
	)	Place: Courtroom 1639
	)	255 E. Temple St.
	)	Los Angeles, CA 90012
	)	VIA ZOOMGOV ONLY
)	
	)	Dkt. Ref. No. 468
)	

1 Mr. Richard Saghian (“Mr. Saghian”), as purchaser under the Sale Order (as defined below),
2 hereby files this opposition to the *Notice of Second Motion for Acceptance to Include Full Settlement*
3 *& Closure and Order(s) for Transfer and Other Confirmation(s) Supra Protest nunc pro tunc* [Docket
4 No. 468] (the “Second Motion”) filed by special interested party Andre Mario Smith (“Mr. Smith”)
5 on February 17, 2023. Mr. Saghian states as follows:

6 As an initial matter, the Second Motion fails to comply with the Local Bankruptcy Rules for
7 the Bankruptcy Court for the Central District of California (the “Local Rules”). Specifically, the
8 Second Motion does not comply with the notice requirements of Local Rule 9013-1(c)(2) and (d)(2),
9 which require: (a) 21-days’ notice, (b) a specific indication of the relief requested, and (c) a deadline
10 for responding to the Motion. In addition, the Second Motion presents itself as a “second” motion,
11 but it fails to comply with Local Rule 9013-1(1), which requires that the party making a second motion
12 describe the material facts and circumstances surrounding each prior motion, including, among other
13 things, the date of the prior motion, the ruling, decision, or order on the prior motion, and the new
14 facts, circumstances, or legal precedent that exist. Failure to comply with Local Rule 9013-1(1) may
15 subject the offending party or attorney to sanctions. *See* Local Rule 9013-1(1).

16 To the extent the Second Motion purports to relate to the property located at 944 Airole Way,
17 Bel-Air, California 90077 (the “Property”), the Property has been sold pursuant to an order to which
18 Mr. Smith did not file a timely appeal (the “Sale Order”). The Second Motion does not present any
19 cognizable legal theory as to why the Sale Order should be overturned or modified in any manner
20 whatsoever.

21 To the extent the Second Motion relates to some other matter, it does not present any
22 cognizable argument or request for relief to which Mr. Saghian or other parties in interest can
23 formulate a response.

24 Mr. Smith has filed numerous other pleadings with the Court that do not comply with the Local
25 Rules and that do not present cognizable arguments or claims for relief, the most recent of which was
26 styled nearly identical to this Second Motion. Most, if not all, of these pleadings were denied by the
27 Court. [*See* Dkts. 128, 132, 135, 137, 154, 156, 158, 159, 163, 168, 175, 179, 404, 425, and 446]. Mr.
28 Saghian and other parties in interest, including the estate, have expended material time and resources

1 responding to such pleadings filed by Mr. Smith. Mr. Saghian reserves all rights, including the right
2 to supplement or amend this opposition to seek damages from Mr. Smith in connection with the
3 Second Motion.

4 For the foregoing reasons, Mr. Saghian respectfully requests that the Court enter an order
5 denying the motion in it's entirety and granting such other relief as is just and proper.

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7 Dated: February 23, 2023

Respectfully submitted,

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SIDLEY AUSTIN LLP

By: /s/ Genevieve G. Weiner

Samuel A. Newman

Amy P. Lally

Genevieve G. Weiner

Attorneys for Richard Saghian, an
individual

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: SIDLEY AUSTIN LLP, 555 West Fifth Street, Los Angeles, CA 90013

A true and correct copy of the foregoing document entitled (*specify*): **OPPOSITION TO NOTICE OF SECOND MOTION FOR ACCEPTANCE TO INCLUDE FULL SETTLEMENT & CLOSURE AND ORDER(S) FOR TRANSFER AND OTHER CONFIRMATION(S) SUPRA PROTEST NUNC PRO TUNC [DKT. 468]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. February 23, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On February 23, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

(*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on February 23, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/23/2023

Date

Pamela Santos

Printed Name

/s/Pamela Santos

Signature

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(Via NEF)

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SERVICE LIST
(Via Overnight Mail)

The Hon. Deborah J. Saltzman U.S.B.C. – Central District Chambers Copy 255 E. Temple Street, Suite 1634 Courtroom 1639 Los Angeles, CA 90012	Andre Mario Smith 7938 Broadway No. 1263 Lemon Grove, CA 91946 Tel. (619) 813-2881
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